

**M12-0373**

JAP:HLJ

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA

- against -

RAFAEL ANTONIO ESTEVEZ,

Defendant.

PRE-ARRAIGNMENT  
C O M P L A I N T  
(21 U.S.C. §§ 952(a)  
and 960)

- - - - -X

EASTERN DISTRICT OF NEW YORK, SS:

DERON JAMES, being duly sworn, deposes and states that he is a Special Agent of the Department of Homeland Security, Homeland Security Investigations, duly appointed according to law and acting as such.

Upon information and belief, on or about April 14, 2012, within the Eastern District of New York and elsewhere, defendant RAFAEL ANTONIO ESTEVEZ did knowingly, intentionally and unlawfully import into the United States from a place outside thereof a substance containing cocaine, a Schedule II controlled substance.

(Title 21, United States Code, Sections 952(a) and 960).

The source of your deponent's information and the grounds for his belief are as follows:<sup>1</sup>

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<sup>1/</sup> Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause, I have not

1. On April 14, 2012, defendant RAFAEL ANTONIO ESTEVEZ arrived at John F. Kennedy International Airport in Queens, New York ("JFK"), aboard Jet Blue Airlines flight 840 from Santiago, Dominican Republic.

2. During a Customs and Border Protection examination, the defendant RAFAEL ANTONIO ESTEVEZ was visibly nervous and had provided inconsistent statements in response to the CBP officer's questioning. A pat-down was conducted with negative results. The defendant was then presented with an x-ray consent form, which he read, stated he understood, and initially refused to sign. The defendant was then informed that he would be transported to the JFK Medical Facility where he would be monitored for a bowel movement.

3. A few hours later the defendant asked for the x-ray consent form, which he signed voluntarily. An x-ray was taken of the defendant's intestinal tract, which was positive for foreign bodies. On April 14, 2012, at approximately 2:14 p.m., the defendant passed 25 pellets, one of which field-tested positive for the presence of cocaine. The defendant was then placed under arrest.

4. Defendant RAFAEL ANTONIO ESTEVEZ will be detained at the JFK medical facility until such time as he has passed all

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described all the relevant facts and circumstances of which I am aware.

the pellets contained within his intestinal tract.

WHEREFORE, your deponent respectfully requests that  
defendant RAFAEL ANTONIO ESTEVEZ be dealt with according to law.

*Deron A. James*  
DERON JAMES  
Special Agent  
Homeland Security Investigations

Sworn to before me this  
16th day of April 2012

THE HONORABLE  
UNITED STATES  
EASTERN DISTRICT OF  
SOUTHERN DISTRICT OF

*S/Orenstein*

IN  
JGE  
K